

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

IN RE:	*	CASE NO. 04-40055
HUFF, DARRYL	*	
	*	CHAPTER 13
Debtor	*	
	*	
DARRYL HUFF	*	
	*	
Movant	*	
	*	
vs.	*	
	*	
AMERICREDIT FINANCIAL and	*	
USAA CASUALTY INSURANCE COMPANY	*	
	*	
Respondents	*	

**NOTICE OF MOTION TO SUBSTITUTE COLLATERAL**

MOVANT HAS FILED PAPERS WITH THE COURT SEEKING THE RELIEF STATED IN THE MOTION OR OBJECTION ATTACHED HERETO.

**YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY YOU MAY WISH TO CONSULT ONE.)**

IF YOU DO NOT WANT THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION OR OBJECTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION OR OBJECTION, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN REQUEST FOR A HEARING ON OR BEFORE **JULY 28, 2005**.

IF YOU MAIL YOUR REQUEST TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE DATE STATED ABOVE.

ANY REQUEST FOR A HEARING MUST ALSO BE MAILED TO THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE ATTACHED TO THIS PLEADING.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION OR OBJECTION AND MAY ENTER AN ORDER GRANTING THE RELIEF.

This 5<sup>th</sup> day of July, 2005.

Respectfully submitted,

/s/ Brace W. Luquire  
BRACE W. LUQUIRE  
Georgia State Bar No. 461400  
Attorney for Debtor/Movant  
Post Office Box 2684  
Columbus, Georgia 31902  
(706) 322-8557

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

IN RE:  
HUFF, DARRYL

Debtor

DARRYL HUFF

Movant

vs.

AMERICREDIT FINANCIAL and  
USAA CASUALTY INSURANCE COMPANY

Respondents

\* CASE NO. 04-40055  
\*  
\* CHAPTER 13  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

**MOTION TO SUBSTITUTE COLLATERAL**

Comes now the Movant in the above matter and moves this Court for an Order allowing him to substitute collateral and shows as follows:

1.

The Movant is the owner of a 1998 Pontiac Grand Prix which is provided for in his plan and Americredit Financial is the lien holder.

2.

The 1998 Pontiac Grand Prix has been destroyed in a collision and the insurance proceeds are available for use to purchase another vehicle.

3.

The Movant has found another vehicle which is one which would be a substantial substitute of collateral for the lien holder using the proceeds from the insurance company to pay for the said automobile.

WHEREFORE, the Movant moves this Court for an Order allowing the Movant to use the insurance proceeds to purchase a substitute automobile and to substitute that collateral for the collateral presently listed with Americredit Financial

This 5<sup>th</sup> day of July, 2005.

/s/ Brace W. Luquire  
BRACE W. LUQUIRE  
Georgia State Bar No. 461400  
Attorney for Debtor/Movant  
Post Office Box 2684  
Columbus, Georgia 31902  
(706) 322-8557

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

IN RE:	*	CASE NO. 04-40055
HUFF, DARRYL	*	
	*	CHAPTER 13
Debtor	*	
	*	
DARRYL HUFF	*	
	*	
Movant	*	
	*	
vs.	*	
	*	
AMERICREDIT FINANCIAL and	*	
USAA CASUALTY INSURANCE COMPANY	*	
	*	
Respondents	*	

**CERTIFICATE OF SERVICE**

I, Brace W. Luquire, certify that I am, and at all times hereinafter mentioned was, more than 18 years of age and that on the 5<sup>th</sup> day of July, 2005, I served a copy of the attached Motion to Substitute Collateral on the parties against who relief is sought:

Kristin Hurst  
Chapter 13 Trustee  
Post Office Box 1907  
Columbus, Georgia 31902

Americredit Financial  
Post Office Box 183853  
Arlington, Texas 76096

USAA Casualty Insurance Company  
Attention: Mr. Robert Ortiz  
9800 Fredericksburg Road  
San Antonio, Texas 78288

by depositing in the United States Mail, a copy of the same in a properly addressed envelope with adequate postage thereon to insure delivery.

I certify under the penalty of perjury that the foregoing is true and correct.

/s/ Brace W. Luquire  
BRACE W. LUQUIRE  
Georgia State Bar No. 461400  
Attorney for Debtor/Movant  
Post Office Box 2684  
Columbus, Georgia 31902  
(706) 322-8557